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Provisional summary record of the 48th meeting
Held at Headquarters, New York, on Wednesday, 22 November 2000, at 11 a.m.

Chairman: Mr. Wibisono ..... (Indonesia)

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The meeting was called to order at 11.20 a.m.

Social and human rights questions *(continued)*

Report of the Commission on Human Rights on its fifth special session (E/2000/112-E/CN.4/S-5/5 and E/2000/112/Add.1-E/CN.4/S-5/5/Add.1)

1. **The President** said that the Council had before it the report of the Commission on Human Rights on its fifth special session (17-19 October 2000) containing a draft decision entitled "Grave and massive violations of the human rights of the Palestinian people by Israel" which was being recommended for adoption by the Council. He also drew the attention of delegations to the addendum to the report indicating the programme budget implications of the draft decision. According to the usual procedure of the Economic and Social Council, the text had been considered in informal consultations. Since it had not been possible to reach a consensus, the Council was required to vote on the draft decision. Before proceeding to vote, he invited the Director of the New York Office of the United Nations High Commissioner for Human Rights to address the Council.

2. **Mr. Ndiaye** (Director of the New York Office of the United Nations High Commissioner for Human Rights), speaking on behalf of the High Commissioner for Human Rights, informed members of the Council that the High Commissioner had visited the occupied Palestinian territories from 10 to 13 November, and on 15 November, following the urgent request of the Commission on Human Rights during it fifth special session, and had also travelled to Israel, Egypt and Jordan. The visit to the occupied Palestinian territories was justified by the gravity of the human rights situation in the region. The High Commissioner was preparing a report which was to be presented to the Commission on Human Rights and to the General Assembly on 27 November and she would give an account to the Enlarged Bureau of the Commission on the same day. The report could also be consulted on the High Commissioner's web site. The bureau of the Economic and Social Council had requested information on the situation of the eight persons who had been mandated by the Commission for the proposed missions. It had written to them recalling the terms of the resolution adopted by the Commission and requesting them to advise whether they were willing and able to take part in the missions. To date, only one positive reply had been received; it had come from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

3. **The President** asked whether any delegation wished to make a statement on the draft decision before it was put to the vote.

4. **Mr. Jacob** (Observer for Israel) said that a terrorist attack had taken place at Hadera, in the very heart of Israel, just before the Council met to consider another resolution condemning Israel. A car bomb had exploded near a bus causing dozens of victims among the civilian population. That heinous act demonstrated the increase in Palestinian terrorism against Israeli citizens. The resolution before the Council contained the most extreme accusations to have been levelled recently against Israel by a United Nations body. The accusations were not objective and did not take the local situation into account. Moreover, the text laid the blame for the current crisis entirely on Israel and exonerated the Palestinians. Such a partial and fallacious presentation of the facts did not call for a response and, consequently, Israel categorically rejected the resolution.

5. The fact that the principal United Nations body responsible for the protection of human rights had decided to close its eyes to the numerous Palestinian violations — including the savage lynching of two Israeli reservists who were under Palestinian police guard and recent bomb attacks against civilians and even school children, to give only two examples — showed the Commission's bias in dealing with the issue. Furthermore, the resolution failed to note the deplorable situation of the children exploited by the Palestinians in the armed conflict, the constant calls for violence by the official Palestinian media and the fact that the Palestinian leaders were doing nothing to calm the situation down. It should be recalled that less than half the members of the Commission had voted in favour of the resolution and that it had been adopted by the very narrow margin of three votes (19 votes in favour, 16 against and 17 abstentions).

6. He also reminded members of the Council that the suffering of the Palestinians was a direct consequence of their violent acts of provocation. It was not a case of isolated peaceful demonstrations. Israeli soldiers and citizens were being attacked not with sticks and stones as some people believed, but with

submachine guns, incendiary bombs and other explosive artifacts. Furthermore, it was not only military installations that were being targeted. Innocent civilians had also been attacked. The Gilo district in Jerusalem had endured continuous gunfire from snipers lying in ambush in nearby Palestinian villages. Two days previously, some children who were on their way to school had been deliberately targeted by a paramilitary group attached to Fatah. Two of them had been killed and 10 others had been permanently disabled.

7. However, there had been no international outcry. No-one was demanding that a commission should be set up to examine the criminal acts perpetrated by the Palestinians and no resolution condemning their violations was being put to the vote. There was only one way to end the bloodshed in the region. The international community must ask the Palestinian leaders to intervene with a view to ending the paroxysm of violence, the use of terrorism against civilians and the positioning of children in the front line of demonstrations. Unfortunately, the resolution submitted to the Council remained silent on those points. The commission of enquiry which had been proposed would, because of the very nature of its mandate, inevitably produce tendentious reports on the situation in the occupied territories, because it would only be investigating violations committed by the Israelis. Furthermore, such a commission was superfluous. The Sharm el-Sheikh Memorandum had provided for the establishment of a more balanced fact-finding commission with a much broader mandate. Such a commission would be in a position to draw up a precise and judicious table of recent events. He recalled that the Secretary-General, having visited the region and held numerous meetings with both parties, had advised the members of the international community to weigh their words carefully. The language used in the resolution could only exacerbate tensions on the ground.

8. In view of those considerations, his country rejected the tendentious and pernicious resolution, and urged the members of the Council not to adopt it. The Council would better serve the cause of peace by appealing for an immediate end to the violence and the resumption of negotiations. The lessons drawn from the experience of the past two months demonstrated clearly and painfully that peaceful dialogue was needed in order to build a stable future and bring peace to the Middle East.

9. **Mr. Al-Kidwa** (Observer for Palestine) said that, if he had correctly understood the procedure currently followed by the Council, delegations would vote on a draft resolution without hearing any statements on the substance. Yet again, Israel was attempting to obstruct the implementation of that approach by using perverted argumentation, according to which that country was innocent and the whole world in league against it. It was that kind of logic which had led Israel to claim that the Commission on Human Rights resolution had been adopted by a very slim majority, whereas the Commission had already adopted, with overwhelming majorities, hundreds of resolutions condemning Israel. Israel had violated every resolution adopted by the United Nations and its specialized bodies and continued to flout the norms of international law and human rights. The representative of Israel was incapable of grasping the heart of the matter. Yet the issue was very simple: it concerned the continuation of the Israeli occupation, more than 30 years after the injustice perpetrated against the Palestinian people. That occupation was akin to colonization in that Israel was doing its best to drive out the population of the occupied territories by establishing settlements and deploying armed forces there. In so doing, the occupying Power was trampling on the rights of the Palestinian people and violating the provisions of the Geneva Conventions. Since 28 September 2000, Israel had been waging a campaign against the Palestinian people. Everyone had witnessed the recourse that had been had to excessive force, used indiscriminately and with no justification. It was a question of premeditated murders, of which civilians were the victims, and of massive punishment imposed in the form of closures or other attempts to strangle the Palestinian economy. Such action, taken against people who wished to live in peace, had led to the death of hundreds and the injury of thousands, many of whom were children. That did not prevent the representative of Israel from holding forth on the alleged injustices to which his country was subject. At her press conference, the High Commissioner for Human Rights had been unequivocal when she had described her visit to that part of the world: she had witnessed the practices employed by the occupying Power, and human rights violations similar to those that had already been reported by the competent bodies of the United Nations. It was true that it had been decided at Sharm el-Sheikh to create a

commission of enquiry, but the Israeli Minister for Foreign Affairs had declared that it was not the right time for such a commission to start its work. One could only wonder why the Israeli Government was hostile to any international inquiry, why it would not allow observers to establish the facts on the ground and why Israel enjoyed automatic protection in the Security Council. The international community and the institutions responsible for human rights must mince no words in condemning those who killed children, bombarded the Palestinian population and kept 3 million Palestinians under the yoke of occupation. The conscience of the world could not remain silent. Under the terms of the Geneva Conventions, the members of the Security Council and the Economic and Social Council had contracted specific obligations and they had a duty to protect human rights. It was time to send a clear message to the occupying Power.

10. **Ms. King** (United States of America) said that the United States would continue to oppose the totally unbalanced and inflammatory resolution adopted by the Commission on Human Rights in Geneva. It was certainly not alone in believing that those who demanded immediate action were well aware that such an initiative would not have a positive effect on the search for peace and was liable to damage that process. The vote imposed on the Council, whatever its outcome, would evidently be interpreted as a decision directed against one or other of the parties, which would unnecessarily complicate a situation that was already very unstable. At such a difficult time, the international community and, in particular, the United Nations, must do all in its power to encourage the Palestinians and the Israelis to focus all their attention on efforts aimed at ending the violence, re-establishing calm and allowing the negotiations — the only path to peace — to be resumed, while respecting the undertakings to which they had subscribed at Sharm el-Sheikh. The Secretary-General had a decisive role to play with regard to the fact-finding commission established as part of the Sharm el-Sheikh process. It was therefore surprising that it was being so persistently argued that the machinery of the Economic and Social Council should take precedence over the role of the Secretary-General in the peace process, when it was quite clear that the opposite should apply. Unfortunately, such persistence would also affect the role to be played in mediating between the parties by other United Nations mechanisms in the near future. The United States urged all Council members to take the time to reflect on the effects that the resolution would have. In view of its conviction that its position was currently the only one that was not liable to damage the search for peace, it encouraged members to vote against the resolution.

11. **Ms. Nishimura** (Japan) said that every possible effort must be made to rebuild mutual trust between the parties to the peace process in the Middle East and to put the process back on track. The implementation of the agreement concluded at Sharm el-Sheikh was of capital importance. Even though the clashes were continuing, the two sides had confirmed their intention to apply that agreement. Japan had voted against the draft decision at the special session of the Commission on Human Rights; as the situation had not changed, her delegation would maintain its opposition.

12. *A recorded vote was taken on the draft decision contained in document E/2000/112-E/CN.4/S-5/5.*

In favour:

Algeria, Bahrain, Belarus, Benin, Bolivia, Burkina Faso, China, Comoros, Cuba, India, Indonesia, Morocco, Oman, Pakistan, Saint Lucia, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, Venezuela, Viet Nam.

Against:

Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Fiji, France, Germany, Greece, Italy, Japan, New Zealand, Norway, Poland, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Brazil, Cameroon, Colombia, Costa Rica, Democratic Republic of the Congo, Honduras, Lesotho, Mexico, Russian Federation, Rwanda.

13. *The draft decision was adopted by 21 votes to 19, with 11 abstentions.*

14. **Mr. Hughes** (New Zealand), speaking in explanation of vote, said that his Government deplored the escalation of violence in the occupied territories and was concerned about the grave human rights violations highlighted by the Special Rapporteur in his report (E/CN.4/S-5/3) prior to the convening of the special session of the Commission on Human Rights. Nevertheless, it was not able to support the draft decision before the Council. It considered that the establishment of an inquiry commission and missions

by the Special Rapporteurs would be counterproductive because they would render more difficult the task of the fact-finding commission which the parties had agreed to establish at Sharm el-Sheikh. Moreover, while it was not a member of the Commission on Human Rights, New Zealand was concerned about the language used in the resolution, which prejudged the existence of war crimes and crimes against humanity. It called on both parties to cooperate fully with the fact-finding commission, in accordance with the provisions of Security Council resolution 1322 (2000). That body could not wait for the violence to stop before beginning its work, and the international community must not anticipate the results through its deeds or words. There was also a need to support the Secretary-General's initiative to study with the parties the possibility of establishing a United Nations presence in the occupied territories. Lastly, his delegation was firmly convinced of the need for both parties to reaffirm their determination to negotiate a comprehensive agreement if the realization of a just and lasting peace in the region was to be a realistic objective.

15. **Mr. Le Bret** (France), speaking on behalf of the European Union, the Central and Eastern European Countries associated with the European Union, Liechtenstein and Norway, recalled that the European Union had responded positively to the request that a special session of the Commission on Human Rights should be convened and had emphasized its hope that that meeting could make a useful contribution to the efforts under way to restore peace and stability in the region. As to the content of the resolution adopted at Geneva, the position of the European Union remained unchanged. He would restrict himself to reiterating that the resolution adopted by the Commission on Human Rights, rather than supporting the agreement reached on 17 October at the Sharm el-Sheikh summit, could undermine it by instituting mechanisms in competition with those agreed on by the parties directly concerned. The European Union considered that if the Council were to adopt the draft decision before it, that would be tantamount to endorsing the content of the resolution. The European Union had been unable to do that in Geneva and, for the same reasons, it had no choice in New York but to oppose the draft decision.

16. Since the adoption of the resolution by the Commission on Human Rights, several new and important developments had taken place, namely, the continuation of the Security Council's consideration of the modalities for deployment of an observer mission, the gradual setting up of the fact-finding commission following the Sharm el-Sheik summit and the visit of the High Commissioner for Human Rights to the region. The European Union would have preferred to allow those developments to take their course. More generally, it wished to reaffirm that it stood ready to discuss the Palestinian question in a constructive spirit in all appropriate United Nations forums. For the European Union, the priority was, first of all, to restore peace in the Middle East, and any decision taken by the international community must contribute to that goal. It wished to underline, in that regard, the important role played by the Secretary-General in that difficult and delicate undertaking. For its part, it would do whatever it could to help support and encourage the latter's efforts. Lastly, he recalled that, two days earlier, in Brussels, the Ministers for Foreign Affairs of the European Union had adopted a very clear statement on the situation in the Middle East, in which they reiterated the European Union's commitment to contribute to the resumption of dialogue and peace talks, which represented the only way out of the current crisis.

17. **Mr. Hynes** (Canada) said that his delegation had voted against the decision for the reasons it had set out when the text had been considered by the Commission on Human Rights in Geneva. The decision was not balanced, and the recommendations contained therein would not in any way facilitate the return of the parties to the negotiating table.

18. **Mr. Sharma** (India) recalled that India had always supported a just and comprehensive solution to the question of Palestine, based on non-violence, understanding and mutual respect. It had always supported the peace process. The most urgent task was to stop the acts of violence and to break the vicious circle of violence through wise decisions. India had voted for the decision because it was convinced that it was necessary to use all means to protect and defend human rights. The international community's first task must be to rebuild mutual trust.

The meeting rose at noon.